

### **REMARKS**

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1 and 9-16 are now present in the application. The specification has been amended. Claim 1 is independent. Reconsideration of this application, as amended, is respectfully requested.

### **Request For Withdrawal Of Finality Of Office Action**

Applicants respectfully submit that the outstanding Office Action was improperly made final because **the new grounds of rejection presented in the outstanding Office Action are NOT necessitated by the last Amendment dated November 15, 2010.**

In particular, in the last Office Action of September 3, 2010, the Examiner made rejections of claims 1-9 under 35 U.S.C. §103(a) based on Hicks, U.S. Patent Application Publication No. 2004/0259541, in view of Ahmad, U.S. Patent No. 7,113,799 (and additional secondary reference(s) for some of the claims).

In Applicants' last Amendment of November 15, 2010, no amendments were made to independent claim 1 and dependent claim 9. In addition, although new claims 10-16 were added, **claims 10-16 were simply added to re-present the same subject matter of cancelled claims 2-8 to address the Examiner's objection to claims 2-8.** Therefore, the scope of claims 1 and 9-16 in the Amendment of November 15, 2010 never changes in scope from claims 1-9 that were examined in the Office Action of September 3, 2010.

In the outstanding Office Action, however, the Examiner **changed the grounds of rejection** against claims 1 and 9-16 (which are exactly the same as claims 1-9 that were examined in the Office Action of September 3, 2010) and made rejections of claims 1 and 9-16 under 35 U.S.C. §103(a) based on Hicks, U.S. Patent Application Publication No. 2004/0259541, **in view of Kransmo, U.S. Patent No. 2003/0016639 (newly relied on by the Examiner in the outstanding Office Action)** (and the other secondary reference(s) for some of the claims).

Therefore, the new grounds of rejection presented in the outstanding Office Action are NOT necessitated by the last Amendment of November 15, 2010. Accordingly, the rejections were improperly made final.

Accordingly, withdrawal of the finality of the outstanding Office Action is respectfully requested.

### **Specification Objections**

The specification stands objected to due to the presence of minor informalities. In view of the foregoing amendments, it is respectfully submitted that this objection has been addressed. Accordingly, Applicants respectfully submit that this objection has been obviated and/or rendered moot. Reconsideration and withdrawal of this objection are respectfully requested.

### **Claim Rejections Under 35 U.S.C. § 103**

Claims 1, 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hicks, U.S. Patent Application Publication No. 2004/0259541, in view of Kransmo, U.S. Patent

No. 2003/0016639. Claims 14-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hicks in view of Kransmo, and further in view of Tsirtsis, U.S. Patent No. 6,954,442, and Ohtani, U.S. Patent Application Publication No. US 2003/0157936. Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hicks in view of Kransmo, Hamasaki, U.S. Patent Application Publication No. 2004/0137901, and Ohtani. Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hicks in view of Kransmo, Bahl, U.S. Patent Application Publication No. 2003/0054818, Ohtani and Hamasaki. Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hicks in view of Kransmo and Bahl. These rejections are respectfully traversed.

Independent claim 1 recites a combination of elements including “[a] wireless communications system comprising at least one wireless communication terminal and a wireless communication server, wherein the wireless communications system is able to be connected to at least two kinds of wireless communication networks simultaneously, two of the wireless communication networks are to work as a basic access network and a wireless access network, respectively; the basic access network is able to deal with data communications in addition to signaling communication, and the wireless access network deals with only data communications; and when the wireless communication terminal detects communication trouble in the wireless access network, to which the wireless communication terminal is currently connecting, the wireless communication terminal searches a new wireless communication network available, and the wireless communication terminal temporary uses the currently-connecting basic access network for data communications in addition to signaling communication until the new wireless

communication network is designated as a new wireless access network.”

Applicants respectfully submit that the above combination of elements as set forth in amended independent claim 1 is not disclosed nor suggested by the references relied on by the Examiner.

In particular, the Examiner has correctly acknowledged that Hicks fails to teach “the wireless access network deals with only data communications” as recited in claim 1. However, the Examiner turned to rely on Kransmo, and alleged that Kransmo’s teaching in paragraph [0028] can cure the deficiencies of Hicks. Applicants respectfully disagree.

More specifically, Kransmo in paragraph [0024]-[0029] discloses:

[0024] The CDMA2000 network 100 provides traditional voice services, such as call routing between the Public Switched Telephone Network (PSTN) 200 and the CDMA2000 network 100. An incoming call to a particular MS 145 is routed to the Mobile Services Switching Center (MSC) 110 serving the MS 145 by accessing the Home Location Register (HLR) 170 storing the routing information for the MS 145. The MSC 110, in turn, routes the incoming call to the MS 145 over an A1/A2/A5 interface to the BSC 120 serving the MS 145.

[0025] It should be understood that the MSC 110 is responsible for call set-up, routing, control and termination of a call. The MSC 110 is also responsible for handling handovers between two BSC’s 120 and for handling supplementary subscriber services. The BSC 120 is responsible for operation, maintenance and administration of the base stations 125, speech coding, rate adaptation and handling of the radio resources. The base stations 125 provide the RF interface (referred to herein as a carrier 130 or 135) between the AT’s 140 or MS’s 145 and the network 100 via one or more transceivers. Each carrier 130 or 135 serves one cell or sector. It should further be understood that the BSC 120 may be a separate node or may be co-located with one or more base stations 125.

[0026] In addition to voice services, a CDMA2000 network 100 provides packet data services with high data rates (e.g., up to 2 Mbps per user) and high throughput. A data only (DO) mobile terminal (referred to herein as an Access Terminal (AT)) 140 can connect to a DO carrier 130 to engage in a data session. During the data session, data packets are transmitted between the AT 140 and the

Internet 250 via the DO carrier 130, BSC 120 and a Packet Data Service Node (PDSN) 160. The PDSN 160 is responsible for routing all data packets between the AT 140 and the Internet 250, and connects to one or more BSC's 120 via an A10/A11 interface. Information received at a BSC 120 for a particular AT 140 is uniquely encoded and transmitted via an Abis interface to the DO carrier 130 serving the AT 140.

[0027] **CDMA2000 networks 100 also provide interworking between data mode and voice mode for dual mode mobile terminals (referred to herein as a Mobile Station (MS)) 145.** Therefore, **to switch between data mode and voice mode, a MS 145 need only perform a handoff from a DO carrier 130 to a voice carrier 135 within the BSC area 150.** While involved in a data session with a DO carrier 130, the MS 145 is further capable of monitoring the voice carrier 135 for incoming pages to the MS 145 informing the MS 145 of incoming voice services (e.g., an incoming voice call or an incoming Short Message Service (SMS) message).

[0028] In the traditional CDMA2000 architecture, if a MS 145 receives an SMS message during a data session, the MS 145 must abandon the data session and connect to a voice carrier 135 within the BSC area 120 in order to receive the SMS message. **In accordance with embodiments of the present invention, instead of sending a page to the MS 145 and forcing the MS 145 to abandon the data session, the SMS message can be encapsulated into an Internet Protocol (IP) packet and routed to the MS 145 as an electronic mail (e-mail) message without interrupting the data session.**

[0029] **In one embodiment, as shown in FIG. 2, when the MS 145 connects to the DO carrier 130 for a data session, the MS 145 sends a feature code 118 to the MSC 110 indicating that the MS 145 is currently in DO mode.** The MSC 110 stores this feature code 118 within a subscriber record associated with the MS 145 within a Visitor Location Register (VLR) 115 associated with the MSC 110. It should be understood that the VLR 115 may be a stand-alone node or co-located with the MSC 110. It should further be understood that the feature code 118 is merely one example of **how the MSC 110 has knowledge of whether the MS 145 is currently involved in a data session.** There may be many other ways in which **the MSC 110 is informed that the MS 145 is currently in data mode.** (Emphasis added).

In other words, Kransmo discloses that there are two types of services, *i.e.*, voice services and data services, and a mobile station (MS) can utilize both voice services and data services by switching between the data mode and the voice mode within the BSC area. However, Kransmo

nowhere discloses that the base station (BS) 125 and the base station controller (BSC) 120 (seemed to be referred to by the Examiner as the wireless access network) in the data mode will not deal with signaling communications for the MS 145. Instead, Kransmo in paragraph [0029] discloses that when the MS 145 is in a data mode (i.e., when the MS 145 connects to the DO carrier 130 for a data session), the MS 145 sends a feature code 118 to the MSC 110 (via the BS 125 and the BSC 120; see FIG. 2) indicating that the MS 145 is currently in data mode. Therefore, the BS 125 and the BSC 120 (referred to by the Examiner as the wireless access network) of Kransmo deal with not only data communications (e.g., the data packets) but also signaling communications (e.g., the feature code 118 indicating that the MS 145 is currently in data mode). Therefore, Kransmo still fails to teach “the wireless access network deals with only data communications” as recited in claim 1.

In addition, as shown in FIG. 2 of Kransmo, the MS 145 is only connected to the BS 125 and the BSC 120. Therefore, the BS 125 and the BSC 120 must handle both data communications and signaling communications in order to complete data packet transmission therethrough. Without handling the signaling communications with the MS 145, the MSC 110 would not know which mode the MS 145 is currently in and therefore cannot properly communicate with the MS 145 to perform the data communications.

Unlike Hicks and Kransmo, in the claimed invention, the wireless access network deals with only the data communications, not signaling communications. The signaling communications in the claimed invention is handled by the basic access network. Therefore, the

combination of Hicks and Kransmo fails to teach “the wireless access network deals with only data communications” as recited in claim 1.

With regard to the Examiner’s reliance on the secondary references, these references also fail to disclose the above combination of elements as set forth in amended independent claim 1. Accordingly, these references fail to cure the deficiencies of Hicks.

Accordingly, none of the references utilized by the Examiner individually or in combination teach or suggest the limitations of amended independent claim 1 or its dependent claims. Therefore, Applicants respectfully submit that claim 1 or its dependent claims clearly define over the teachings of the references relied on by the Examiner.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

#### **Additional Cited References**

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state of the art, no further comments are necessary with respect thereto.

#### **CONCLUSION**

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Cheng-Kang (Greg) Hsu, Registration No. 61,007 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,



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